On October 15, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Parke, Davis & Co., a corporation, Detroit, Mich., charging shipment by said corporation in violation of the Food and Drugs Act, on or about July 25 and 27, 1935, from the State of Michigan into the State of Illinois of quantities of spirit of nitroglycerin that was adulterated and misbranded.

It was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity for spirit of nitroglycerin as determined by the test laid down in said pharmacopoeia, in that it contained more than 1.1 percent of nitroglycerin, to wit, not less than 1.5 percent, and its own standard of strength, quality, and purity was not declared on the containers.

The article was alleged to be misbranded in that the statement, "Spirit of Nitroglycerin (Spirit of Glycerl Trinitrate, U. S. P.) * * * An alcoholic solution of Nitroglycerin * * * containing 1 percent by weight of the substance", borne on the bottle labels, was false and misleading in that it represented that the article was spirit of nitroglycerin that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not spirit of nitroglycerin that conformed to the standard laid down in said pharmacopoeia, and it contained more than 1 percent by weight of nitroglycerin.

On November 25, 1936, a plea of guilty was entered on behalf of the defendant corporation, and on January 7, 1937, the court imposed a fine of $1.

W. R. GREGG, *Acting Secretary of Agriculture.*

26782. Adulteration and misbranding of solution of Sal-Ar-Sodide, caffeine sodio-benzoate, and sodium cacodylate. U. S. v. Haarlem Research Laboratories, Inc. Plea of guilty. Fine, $100. (F. & D. no. 36943. Sample nos. 33548-B, 38170-B, 38172-B.)

This case involved drugs that fell below the professed standard and quality under which they were sold.

On July 28, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Haarlem Research Laboratories, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about May 1, 1934, from the State of New York into the State of Tennessee of a quantity of solution of Sal-Ar-Sodide ampoules, and on or about June 3, 1935, from the State of New York into the State of Pennsylvania of quantities of caffeine sodio-benzoate ampoules and sodium cacodylate ampoules that were adulterated and misbranded. The articles were labeled in part variously: (Ampoule) "Sterile Solution of Sal-Ar-Sodide * * * Sodium Dimethylarsenate 3 grs. Haarlem Research Laboratories, Inc., New York"; (carton) "(2 cc * * * Caffeine Sodio-Benzoate 7½ grs."; (carton) "1 cc * * * Sodium Cacodylate 7 grs."

They were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: The solution of Sal-Ar-Sodide was represented to contain in each 20 cubic centimeters 3 grains of sodium dimethylarsenate; whereas each 20 cubic centimeters contained less than 3 grains, namely, not more than 2 grains of sodium dimethylarsenate; the caffeine sodio-benzoate ampoules were represented to contain in each 2 cubic centimeters 7½ grains of caffeine sodio-benzoate; whereas each 2 cubic centimeters contained less than 7½ grains, namely, not more than 3.56 grains of caffeine sodio-benzoate; the sodium cacodylate ampoules were represented to contain in each cubic centimeter 7 grains of sodium cacodylate; whereas each cubic centimeter contained less than 7 grains, namely, not more than 4.48 grains of sodium cacodylate.

The articles were alleged to be misbranded in that the statements (ampoule), "Solution of Sal-Ar-Sodide 20 cc. * * * Sodium Dimethylarsenate 3 grs.", (carton) "2 cc. * * * Caffeine Sodio-Benzoate 7½ grs.", and (carton) "1 cc. * * * Sodium Cacodylate 7 grs.", were false and misleading since 20 cubic centimeters of the solution of Sal-Ar-Sodide contained less than 3 grains, namely, not more than 2 grains of sodium dimethylarsenate; 2 cubic centimeters of the caffeine sodio-benzoate contained less than 7½ grains, namely, not more than 3.56 grains of caffeine sodio-benzoate; and 1 cubic

centimeter of the sodium cacodylate contained less than 7 grains, namely, not more than 4.48 grains of sodium cacodylate.

On November 23, 1936, a plea of guilty was entered. On November 25, 1936, the defendant was adjudged guilty and a fine of $100 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26783. Misbranding of Earl May's Poultry Tablets Sulphocarbolates. U. S. v. Research Products, Inc., and Jacob H. Weiner. Pleas of guilty. Fine, $50. (F. & D. no. 36987. Sample no. 32993–B.)

The packages containing these tablets bore false and fraudulent curative and therapeutic claims.

On July 17, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Research Products, Inc., a corporation, Kansas City, Mo., and Jacob H. Weiner, president of said corporation, charging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 18, 1935, from the State of Missouri into the State of Iowa, of a quantity of Earl May's Poultry Tablets Sulphocarbolates that were misbranded.

Analysis of the article showed that it contained zinc sulphocarbolate, mercuric chloride, copper sulphate, starch, and a small amount of blue color.

The article, labeled in part "Earl May's Poultry Tablets Sulphocarbolates (With Mercury). A very efficient preventive treatment for fowl cholera, fowl typhoid, coccidiosis and white diarrhea in chicks. Dosage One tablet dissolved in a pint of water for drinking purposes or mixed with feed.", was alleged to be misbranded in that said statements regarding its curative and therapeutic effects, falsely and fraudulently represented that it would be effective as a preventive treatment for fowl cholera, fowl typhoid, coccidiosis, and white diarrhea in chicks.

On September 24, 1936, pleas of guilty were entered by the defendants and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26784. Misbranding of Gowan's Preparation. U. S. v. Thomas F. Maher (Gowan Chemical Co.). Tried to the court. Judgment of guilty. Fine, $25. (F. & D. no. 37024. Sample no. 48633–B.)

The labeling of this drug preparation bore false and fraudulent curative and therapeutic claims.

On September 14, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas F. Maher, trading as the Gowan Chemical Co., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 16, 1935, from the State of Maryland into the State of South Carolina of a quantity of Gowan's Preparation that was misbranded.

Analysis of a sample of the article showed that it consisted essentially of volatile oils including methyl salicylate, camphor, eucalyptol, menthol (32 milliliters per 100 grams), and turpentine oil; and phenol, incorporated in a fat, such as lard.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on display cartons shipped with it falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pleurisy, spasmodic croup, coughs, congestion, inflammation, and pneumonia.

On November 27, 1936, the defendant having waived a jury, the case was tried to the court. After the Government's witnesses had been heard, the defendant was called to the stand. During the examination of the defendant, the court delivered the following remarks:

CHESNUT, *District Judge:* You have misconceived the point of the case. The point of the case is this, that you have been selling a patent medicine with representations to the public that it is an effective remedy or a valuable aid in cases of disease when it could not have any possible real value in such disease, and anybody of real intelligence, and particularly a person in your line of business, must have known that. Therefore, the representation is not only false but by virtue of circumstances under which it is made, it is legally fraudulent and, therefore, in violation of the Act. Something more is required of a man who undertakes to make a profit in selling drugs to the public than